

# State of South Carolina

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## Workers' Compensation Commission

**October 21, 2010**

### **SC Supreme Court Denies Request for Rehearing in Ambulatory Surgery Centers, et. Al v. Workers' Compensation Commission Litigation**

On October 6, 2010, the South Carolina Supreme Court issued an Order to deny a Petition for Rehearing on Ambulatory Surgery Centers, et. al v. South Carolina Workers' Compensation Commission.

As a result of this Order the maximum allowable payments (MAP) to ambulatory surgery centers for services provided are to be calculated using the Commissioner's Hospital and Ambulatory Surgery Center Payment Manual. Payments will be calculated using the current Medicare payment rate plus 40%. Medicare payment rates may be obtained from Center for Medicare/Medicaid Services' website, [www.cms.gov/ASCPayment](http://www.cms.gov/ASCPayment).

**September 13, 2010**

### **SC Supreme Court rules in favor of Workers' Compensation Commission**

In the case, SC Ambulatory Surgery Center Association, et. al. v. SC Workers' Compensation Commission the SC Supreme Court filed an opinion September 7, 2010 affirming in part and reversing in part the decision of the circuit court. The Supreme Court affirmed the circuit court's findings that the Surgery Centers did not establish a right to a "contested case" hearing under the Administrative Procedures Act (APA) and did not have the requisite property interest under the state's constitutional protections. The Supreme Court also reversed the circuit court's decision that the Commission was required to promulgate a new regulation in order to change the fee payment schedule. The Commission is waiting on the remittitur from the Supreme Court to notify the Ambulatory Surgery Centers of the compliance date with the Commission's Hospital Outpatient Fee Schedule.

For further information regarding this release, contact Gary M. Cannon, Executive Director, [gcannon@wcc.sc.gov](mailto:gcannon@wcc.sc.gov) or (803) 737-5744.